

## **REMARKS**

This submission is a timely response to Office correspondence of mail date January 04, 2006. Claims 22-29, 31, 32, and new claim 34 are pending. Claims 30 and 33 are canceled.

### **Drawings**

Objections to the drawings have been corrected by the attached replacement sheets in accordance with suggestions of the Office. No new matter is added.

### **Specification**

The specification was objected to for not providing an antecedent basis for the claim 22, line 4 term “aramid fibers”. Applicant has herein amended the specification at page 3 to cure. No new matter is added.

### **Claims Rejections - 35 USC §112**

Claim 24 is rejected for its “sleeve-shaped tightening screw”. Applicant has herein amended to use the terminology of the specification reference 11, “sleeve”. No new matter is added.

Claim 25 is rejected for unclear metes and bounds relating to what is a tension member. Applicant has herein amended the preamble to be consistent with other claims, and also amended the Abstract, thereby curing the rejection. No new matter is added.

For clarification, Applicant notes that the published Abstract does not appear to be consistent with the first preliminary amendment filed with the case, which changed the word “consists” to “comprises” with regard to filaments and strands, among other things. Applicant is not certain what the Office considers to be the current text, but states that it has here used the Abstract as published as the basis for this amendment. No new matter is added.

**Claim Rejections – 35 USC § 103**

Claims 22, 26, 27, and 33 are rejected as being unpatentable over Paulshus in view of Brandestini. Brandestini is credited with disclosing a slip agent, from which the Office concludes the instant claims are obvious. Applicant respectfully disagrees with respect to the cited claims, amended claim 23, and new claim 34.

Brandestini is not about tension. A look at Figs. 1-3 and a simple reading of Brandestini shows clearly that it expressly divides the termination structure into two distinct regions, the anchoring head 1, and support body 5, with a guide bore 8, which has a flaring, opening taper as opposed to the tension-supporting, purely conical, narrowing taper of the anchoring head. As would be readily apparent to one skilled in the art, the support body and guide bore are specific to easing deflection forces (col 1, line 33) torsional stress and bending radius. ***The Brandestini disclosure is exclusively devoted to the features and functions of the extending support body and guide bore, and is totally silent on the issue at hand in the Applicant's claims, which is about the distribution of tensile stress within the anchoring head.***

Neither the applicant's specification nor its claims discloses, illustrates or contemplates an equivalent structure, function or feature to Brandestini's support 5. Likewise, nothing in Brandestini's disclosure suggests or teaches the use of a slip agent ***in the anchoring head.***

Brandestini's specification, drawings and claims expressly distinguish the anchor head section from the support section to which its slip agent is directed. In col. 2, lines 4-13, Brandestini provides his brief explanation of the anchoring head with the implicit suggestion of the conventional wisdom, that it is essentially a rigid, unibody-like structure of wire, embedded mass and anchorhead. He offers not one hint of a problem with or alteration to the conventional explanation.

Then, beginning at line 13, after offering his simple explanation of the anchor section, he then sets up his problem about the wires extending from the anchoring head as susceptible to

rupture or damage if they are bending or buckling, and at line 22, announces, “...*the invention contemplates...a support body 5... with a guide bore 8....diverging outwardly* [in sharp distinction from the anchoring head].” At col. 2, line 38, he introduces the slip agent; “The individual wires 3 of the bundle may be provided at the region of the guide or supporting zone of the guide bore 8 with a layer or coating of a friction-reducing medium, such as a suitable plastic coating or covering... reference 40.” The coating zone 40 of Fig. 1 is clearly and only a localized area of the support body 5, and has nothing to do with tension and no reason or rational basis for being extended (absent hindsight) to the walls of anchoring head 1. Brandestini can only be read to presume, indeed teach, that slip agents and the like are *not applicable* to the anchoring head section and function, but only to a portion of the flared support body which has no tension holding role, function or feature.

Combining Brandestini with Paulshus would require adding to Paulshus’s receiving member 3 for each cavity 4 an equivalent structure to Brandestini’s support 5 with an outward flaring guide bore 8; and would still not teach, suggest or motivate one to add a slip agent to a Paulshus cavity 3. Brandestini’s combination with Paulshus is therefore inappropriate and inadequate to support the rejection in this case.

According to the MPEP §2143.01, “[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in either the references themselves or in the knowledge generally available to one of ordinary skill in the art.” Clearly, that teaching, suggestion, or motivation is absent here. The mere presence of a connecting “hole” through both structures when the form, function and features from one section to the other are so clearly delineated and so well understood by one skilled in the art is not a rational underpinning that will support a legal conclusion of obviousness in this case. “...[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning **with some rational underpinning** to support the legal conclusion of obviousness. See *Lee*, 277 F.3d at 1343-46; *Rouffett*, 149 F.3d at 1355-59.” *In re Kahn* (Fed. Cir. 2006, 04-1616).

For this reason, Applicant requests the rejection be withdrawn as to claim 22, and not be applied to amended claim 23 and new claim 34.

Applicant asserts claims 26, 27, and 33 to be further limitations to claim 22 and allowable for at least that reason.

Claims 23, 29 and 31 are rejected as being unpatentable over Andrews in view of Paulshus. Applicant has herein amended claim 23 to add the limitation of the slip agent similar to claim 22 and new claim 34, invokes its comments above, and asserts claims 23, 29 and 31 to be allowable for at least this reason.

Claim 30 was rejected but is herein canceled.

Claim 32 was rejected as being unpatentable over Andrews in view of Paulshus and further in view of D'Agostino et al. Applicant asserts claim 32 to be a further limitation to claim 23 and allowable at least for that reason.

Claim 28 was indicated to be allowable if rewritten in independent form to include the limitations of its rejected base claim 22. Applicant appreciates the indicator of conditional allowability but elects to traverse the rejection of claim 22 by the above amendments and remarks, reserving the option for a later amendment consistent herewith.

### ***Telephone Interview***

Due to the significant difference in opinion between the Office and the Applicant as to the interpretation and applicability of the Brandestini reference to the claims herein, Applicant requests a telephone interview to review Brandestini. Applicant would greatly appreciate a call directed to the undersigned to schedule a date and time when the Office will have this submission in hand, prior to the issuance of a further office action.

Applicant believes the above amendments and remarks to be fully responsive to the Office Action, thereby placing this application in condition for allowance. No new matter is added. Applicant requests speedy reconsideration, and further requests that Examiner contact its attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

Respectfully submitted,

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